

11-21-01

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PTO/SB/05 (11/00)
Approved for use through 10/31/2002 OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Utility Patent Application Transmittal

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	BEH-7270 C12
First Inventor or Application Identifier	Western, et al.
Title	Detection of Nucleic Acids by Target-Catalyzed Product Formation
Express Mail Label No.	EK 608 365 272

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
- ☐ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 71]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed Sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s), (35 U.S.C. 113) [Total Sheets 2]
- Oath or Declaration [Total Pages 2]
 - ☐ Newly executed (original or copy)
 - ☒ Copy from a prior application (37 CFR §1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§1.63(d)(2) and 1.33(b).
- ☐ Application Data sheet. See 37 CFR 1.76
- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☒ Paper Copy (copy from parent appl'n)
 - ☐ Statement verifying identity of the above copies

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☒ 37 CFR §3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Request and Certification under 35 USC 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other:

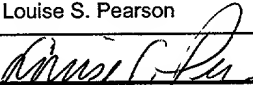
18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/608,721
Prior application information: Examiner J. Riley Group / Art Unit 1656

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label)	or <input checked="" type="checkbox"/> Correspondence address below			
NAME	Dade Behring Inc. Legal Dept. - Patents				
ADDRESS	1717 Deerfield, Rd., #778				
CITY	Deerfield	STATE	IL	ZIP CODE	60015-0778
COUNTRY	USA	TELEPHONE	(contact) 847-267-5365	FAX	847-267-5376

Name (Print/Type)	Louise S. Pearson	Registration No. (Attorney/Agent)	32,369
Signature		Date	20 Nov 01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 1202.00

Complete if Known

Application Number

Filing Date

First Named Inventor

Western et al.

Examiner Name

Group Art Unit

Attorney Docket No.

BEH-7270 C+2

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
NumberDeposit
Account
Name
☐ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
34	-20** = 14	15	252
6	-3** = 3	80	240
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 492.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)

Louise S Pearson

Registration No.
(Attorney/Agent)

32,369

Complete (if applicable)

Telephone
(Contact)

847-267-5365

Signature

[Signature]

Date

20 Nov 01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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ER 608 365 272 dr 20 NOV 01

CERTIFICATE UNDER 37 CFR 3.73(b)

COPY

Applicant: Western, et al.

Application No.: 09/608,721

Filed: June 30, 2000

Entitled: Detection of Nucleic Acids by Target Catalyzed Product Formation

Dade Behring Marburg GmbH, a German Corporation
(Name of Assignee) (Type Of Assignee)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☐ An Assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: Western, et al. To: Syntex (USA)
The document was recorded in the Trademark Office at
Reel 7378, Frame 0485, or for which a copy is thereof is attached.
2. From: Syntex (USA) To: Behringwerke AG
The document was recorded in the Trademark Office at
Reel 7819, Frame 0122, or for which a copy is thereof is attached.
3. From: Behringwerke AG To: Behring Diagnostics GmbH
The document was recorded in the Trademark Office at
Reel 9168, Frame 0310, or for which a copy is thereof is attached.
4. From: Behring Diagnostics GmbH To: Dade Behring Marburg GmbH
The document was recorded in the Trademark Office at
Reel _____, Frame _____, or for which a copy is thereof is attached.
5. From: Dade Behring Marburg GmbH To: Dade Behring Inc
The document was recorded in the Trademark Office at
Reel 011204, Frame 0015, or for which a copy is thereof is attached.

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on, information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

November 20, 2001

Date


Signature

Louise S. Pearson


Typed or printed name

Attorney in Fact and Authorized Signatory

Title

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this transmittal and the documents referred to as attached herein are being deposited with the United States Postal Service on this 20th day of November, 2001 as addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, Box Issue Fee.


Darlene Rentschler